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[New Hampshire Code of Administrative Rules](#)
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NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Env-Ws 600 SELECTION OF CONSULTING ENGINEERING FIRMS

PART Env-Ws 601 PREQUALIFICATION OF CONSULTING ENGINEERS FIRMS FOR PROJECTS RECEIVING STATE OF NEW HAMPSHIRE OR US ENVIRONMENTAL PROTECTION AGENCY FINANCIAL ASSISTANCE

Statutory Authority: RSA 485-A:4, XIII

Env-Ws 601.01 Purpose. These rules provide consulting engineering firms with the requirements for eligibility and listing as prequalified on the roster of prequalified consulting engineering firms maintained by the department.

Source. #220.5 filed 12-27-73, as in effect 8-31-73 under 1973, 507:4; ss by #2238, eff 12-31-82; ss by #2406, eff 6-28-83; ss by #2851, eff 9-21-84, EXPIRED 9-21-90; ss by #5315, eff 1-27-92, EXPIRED 1-27-98

New. #6696, eff 2-25-98

Env-Ws 601.02 Applicability. Env-Ws 601 and Env-Ws 602 shall apply to all consulting engineering firms who wish to become prequalified and listed on the roster of prequalified consulting engineering firms as maintained by the department for use by all municipalities who wish to solicit proposals for engineering services for water supply and water pollution control projects that utilize state or federal financial assistance. In the case of public water supply projects, engineering services by a prequalified consulting engineering firm shall be required only at systems which serve more than 20,000 gallons per day or 50 or more service connections.

Source. #220.5 filed 12-27-73, as in effect 8-31-73 under 1973, 507:4; ss by #2238, eff 12-31-82; ss by #2406, eff 6-28-83; ss by #2851, eff 9-21-84, EXPIRED 9-21-90; ss by #5315, eff 1-27-92, EXPIRED 1-27-98

New. #6696, eff 2-25-98

Env-Ws 601.03 Definitions.

- (a) "Commissioner" means the commissioner of the department of environmental services.
- (b) "Consulting engineering firm" means an individual, partnership or corporation registered with the New Hampshire department of state and the New Hampshire board of professional engineers to conduct an engineering services business in the state.
- (c) "Debarment" means preclusion or removal from the roster of prequalified consulting engineering firms.
- (d) "Engineering services" means the report preparation, technical design, construction administration and resident engineering work which requires the services of a licensed professional engineer.
- (e) "Governmental subdivision" means a municipality, political subdivision or other state-recognized self-governing body.

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(f) "Professional competence" means the applicant:

- (1) Has 5 years experience in the category/ies for which prequalification is sought;
- (2) Has not been subject to disciplinary action in the last 5 years for conduct or activities arising from the applicant's work on projects in the category/ies for which prequalification is sought;
- (3) Has not provided any false or forged information on the application or questionnaire form;
- (4) Has not failed to appoint a qualified project engineer for the management of a water supply or pollution control project;
- (5) Has not failed to fulfill the terms of an engineering services contract;
- (6) Has not engaged in unethical conduct in accordance with the rules of conduct of the New Hampshire board of professional engineers;
- (7) Has not failed to submit all required renewal fees and updated engineer questionnaire forms;
- (8) Is not the subject of a pending enforcement action taken by the department or by the NH Department of Justice upon referral by the department; and
- (9) Has complied with all terms and conditions of any orders, settlement agreements, consent decrees, or other similar documents issued by the department or resulting from an action initiated by the department or by the NH Department of Justice upon referral by the department.

(g) "Qualified project engineer" means a person that holds a bachelor's degree in engineering, who is a professional engineer with a civil or sanitary engineering designation licensed by the New Hampshire board of professional engineers and has at least 7 years of applicable experience. One year of graduate study in engineering may be substituted for one year of experience to a maximum of 2 years.

(h) "Roster" means the list of prequalified consulting engineering firms maintained by the department that shows the particular category the consulting engineering firm is prequalified under.

Source. #220.5 filed 12-27-73, as in effect 8-31-73 under 1973, 507:4; ss by #2238, eff 12-31-82; ss by #2406, eff 6-28-83; ss by #2851, eff 9-21-84, EXPIRED 9-21-90; ss by #5315, eff 1-27-92, EXPIRED 1-27-98

New. #6696, eff 2-25-98

Env-Ws 601.04 Engineering Service Contracts. Contracts for engineering services for water supply and water pollution control projects between consulting engineering firms and governmental subdivisions which are funded wholly or in part by the State of New Hampshire or EPA shall be executed only by those consulting engineering firms who are listed on the department roster. In the case of public water supply projects, this requirement shall apply only to systems which serve more than 20,000 gallons per day or 50 or more service connections.

Source. #220.5 filed 12-27-73, as in effect 8-31-73 under 1973, 507:4; ss by #2238, eff 12-31-82; ss by #2406, eff 6-28-

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83; ss by #2851, eff 9-21-84, EXPIRED 9-21-90; ss by #5315, eff 1-27-92, EXPIRED 1-27-98

New. #6696, eff 2-25-98

Env-Ws 601.05 Requirements. The requirements for prequalified status shall be as follows:

(a) Consulting engineering firms shall employ a qualified project engineer to manage water supply or pollution control projects.

(b) The applicant for prequalification shall submit the following:

(1) A set of plans, specifications and/or reports related to a successfully completed project in the category for which the applicant is applying;

(2) An application fee of \$200.00 payable to the “Treasurer, State of New Hampshire”;

(3) Six copies of a completed prequalification application on a form provided by the department including the following information:

a. The name of the consulting engineering firm;

b. The category, as listed in Env-Ws 601.10, for which the consulting engineering firm desires to be prequalified;

c. The name, title and New Hampshire professional engineer registration number of the designated qualified project engineer;

d. The number of years of applicable experience of the designated qualified project engineer; and

e. For an applicable project designed by the firm for the category of prequalification desired, specify:

1. Location of the project;

2. Type of project;

3. Year completed; and

4. Construction cost of the project;

(4) Six copies of a completed engineer questionnaire on a form provided by the department which shall:

a. Give the name, address and phone number of the applicant;

b. Give the type of organization and year which the organization was established;

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- c. Give the name of any parent company or former name of consulting engineering firm if any;
- d. Name the principal(s) of the consulting engineering firm and provide a listing of their educational and engineering background(s);
- e. Name the associates of the consulting engineering firm and provide a listing of their educational and engineering background(s);
- f. List the current project activities for which the consulting engineering firm is the designated engineer of record;
- g. List the current project activities for which the consulting engineering firm is working in association with others;
- h. Give the number of employees of the consulting engineering firm;
- i. List all projects completed by the consulting engineering firm in the category of prequalification desired; and
- j. Be signed by the person completing the questionnaire and show their title in the consulting engineering firm; and

(5) A copy each of the certificates of registration issued individually by the New Hampshire department of state and the New Hampshire board of professional engineers permitting the firm to practice and transact business in New Hampshire.

(c) The applicant shall agree to and sign the following statement on the application form: "I hereby certify the information given by me is true and complete to the best of my knowledge. I further agree to abide by the provisions of Env-Ws 600, Selection of Consulting engineering firms."

Source. #220.5 filed 12-27-73, as in effect 8-31-73 under 1973, 507:4; ss by #2238, eff 12-31-82; ss by #2406, eff 6-28-83; ss by #2851, eff 9-21-84, EXPIRED 9-21-90; ss by #5315, eff 1-27-92, EXPIRED 1-27-98

New. #6696, eff 2-25-98

Env-Ws 601.06 Application Review.

- (a) All applications shall be reviewed by the department.
- (b) Applicants applying for the first time shall be interviewed by the department to review the application and the information provided.
- (c) The department shall grant prequalification if, based on the information provided in accordance with Env-Ws 601.05, the applicant demonstrates professional competence in the category/ies for which prequalification is sought.

Source. #220.5 filed 12-27-73, as in effect 8-31-73 under

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1973, 507:4; ss by #2238, eff 12-31-82; ss by #2406, eff 6-28-83; ss by #2851, eff 9-21-84, EXPIRED 9-21-90; ss by #5315, eff 1-27-92, EXPIRED 1-27-98

New. #6696, eff 2-25-98

Env-Ws 601.07 Written Response. The department shall grant or deny in writing to the applicant within 30 days of receiving a correct and completed application.

Source. #220.5 filed 12-27-73, as in effect 8-31-73 under 1973, 507:4; ss by #2238, eff 12-31-82; ss by #2406, eff 6-28-83; ss by #2851, eff 9-21-84, EXPIRED 9-21-90; ss by #5315, eff 1-27-92, EXPIRED 1-27-98

New. #6696, eff 2-25-98

Env-Ws 601.08 Debarment. The department shall debar a prequalified consulting engineering firm from the roster for failing to meet or demonstrate professional competence as defined in Env-Ws 601.03(f).

Source. #220.5 filed 12-27-73, as in effect 8-31-73 under 1973, 507:4; ss by #2238, eff 12-31-82; ss by #2406, eff 6-28-83; ss by #2851, eff 9-21-84, EXPIRED 9-21-90; ss by #5315, eff 1-27-92, EXPIRED 1-27-98

New. #6696, eff 2-25-98

Env-Ws 601.09 Right of Appeal. Any consulting engineering firm that is debarred may appeal the decision to the water council.

Source. #220.5 filed 12-27-73, as in effect 8-31-73 under 1973, 507:4; ss by #2238, eff 12-31-82; ss by #2406, eff 6-28-83; ss by #2851, eff 9-21-84, EXPIRED 9-21-90; ss by #5315, eff 1-27-92, EXPIRED 1-27-98

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Env-Ws 601.10 Roster.

(a) The department shall publish a roster of the names of prequalified consulting engineering firms at least twice each year.

(b) The roster shall list the consulting engineering firms categorized into one of the following 4 categories:

(1) Category 1, comprising all consulting engineering firms prequalified with expertise in water supply engineering, including water treatment;

(2) Category 2, comprising all consulting engineering firms prequalified with expertise in water pollution control engineering, including wastewater treatment;

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(3) Category 3, comprising all consulting engineering firms prequalified with expertise in water or wastewater piping systems, including pumping; and

(4) Category 4, comprising all consulting engineering firms prequalified with expertise in all of the foregoing 3 categories.

Source. #220.5 filed 12-27-73, as in effect 8-31-73 under 1973, 507:4; ss by #2238, eff 12-31-82; ss by #2406, eff 6-28-83; ss by #2851, eff 9-21-84, EXPIRED 9-21-90; ss by #5315, eff 1-27-92, EXPIRED 1-27-98

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Env-Ws 601.11 Renewal. In order to remain on the roster, the prequalified consulting engineering firm shall pay a fee of \$50.00 to the state treasurer by October 31 of each year and shall submit to the department an updated engineer questionnaire as required in Env-Ws 601.05(b)(4).

Source. #817, eff 7-5-76; ss by #2238, eff 12-31-82; ss by #2406, eff 6-28-83; ss by #2851, eff 9-21-84, EXPIRED 9-21-90; ss by #5315, eff 1-27-92, EXPIRED 1-27-98

New. #6696, eff 2-25-98

PART Env-Ws 602 PROCUREMENT OF ENGINEERING SERVICES FOR PROJECTS RECEIVING STATE OF NEW HAMPSHIRE OR US ENVIRONMENTAL PROTECTION AGENCY FINANCIAL ASSISTANCE

Env-Ws 602.01 Purpose. This part describes the procedure for procuring engineering services for water supply and water pollution control projects involving state or federal grants, or state loans.

Source. #220.5 filed 10-27-76; ss by #2238, eff 12-31-82; ss by #2406, eff 6-28-83; ss by #2851, eff 9-21-84, EXPIRED 9-21-90; ss by #5315, eff 1-27-92, EXPIRED 1-27-98

New. #6696, eff 2-25-98

Env-Ws 602.02 Definitions.

- (a) "Client" means any governmental subdivision, including a municipality or self-governing district.
- (b) "Division" means the water division of the department of environmental services.
- (c) "Engineering service project list" means the list derived from the department roster of prequalified consulting engineering firms for a specific project.
- (d) "Resident engineer" means a licensed New Hampshire board of professional engineers professional engineer with a civil or sanitary engineering designation and at least 3 years of applicable experience in the construction inspection and oversight of water pollution control projects and whose work address is at the project site.

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Source. #881, eff 10-27-76; ss by #2238, eff 12-31-82; ss by #2406, eff 6-28-83; ss by #2851, eff 9-21-84, EXPIRED 9-21-90; ss by #5315, eff 1-27-92, EXPIRED 1-27-98

New. #6696, eff 2-25-98

Env-Ws 602.03 Solicitation of Proposals.

(a) The client shall submit to the department a copy of its request for proposals for a particular water supply or water pollution control project with its request for the list of names of consulting engineering firms qualified for the proposed project from the department roster.

(b) The client shall solicit a proposal from at least 3 consulting engineering firms.

Source. #881, eff 10-27-76; ss by #2238, eff 12-31-82; ss by #2406, eff 6-28-83; ss by #2851, eff 9-21-84, EXPIRED 9-21-90; ss by #5315, eff 1-27-92, EXPIRED 1-27-98

New. #6696, eff 2-25-98

Env-Ws 602.04 Selection of a Consulting Engineering Firm. Following receipt of proposals, the client shall:

(a) Arrange to interview at least 3 of the responding consulting engineering firms to discuss the details of the proposal, and other information such as:

- (1) Experience with similar projects which have been successfully completed;
- (2) Current workload and availability of personnel to be assigned to the project;
- (3) References from clients with completed projects; and
- (4) List of intended subcontracted professional services.

(b) Rate the consulting engineering firms in order of preference and list the factors in making the choices.

(c) Inform the department in writing of:

- (1) The name of the selected consulting engineering firm;
- (2) The names of second and third choices;
- (3) Details of the selected proposal; and
- (4) Estimated dates for project commencement and completion.

(d) Notify the selected consulting engineering firm with a copy to the department, that the consulting engineering firm has been recommended to the department for selection, for the department's review and informing them of the final terms of the proposal.

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(e) Negotiate the proposed fee with the selected consulting engineering firm.

(f) Repeat steps (a) through (e), above if the interviews with the rated consulting engineering firms fail to result in the selection of a consulting engineering firm.

Source. #881, eff 10-27-76; ss by #2238, eff 12-31-82; ss by #2406, eff 6-28-83; ss by #2851, eff 9-21-84, EXPIRED 9-21-90; ss by #5315, eff 1-27-92, EXPIRED 1-27-98

New. #6696, eff 2-25-98

Env-Ws 602.05 Final Terms for Engineering Services Contracts and Contract Revisions.

(a) On written notification by the client, the department shall review the recommended engineering services contract.

(b) The client shall submit to the department for review any revisions to the contract made subsequent to acceptance.

(c) The contract, and any subsequent revisions shall be subject to negotiated changes if the department determines that the terms are not in the best interest of the state.

(d) After department's review of the recommended contract, it shall inform the selected consulting engineering firm and the client in writing of any comments.

(e) The final contract shall be approved for execution using the contract form provided by the department and shall be signed by the client, selected consulting engineering firm and the division director or designee.

Source. #881, eff 10-27-76; ss by #2238, eff 12-31-82; ss by #2406, eff 6-28-83; ss by #2851, eff 9-21-84, EXPIRED 9-21-90; ss by #5315, eff 1-27-92, EXPIRED 1-27-98

New. #6696, eff 2-25-98

Env-Ws 602.06 Consulting Engineering Firm Status During Project Construction Phase and Requirements for Resident Engineer Supervision.

(a) After the signing of the contract for engineering services, the consulting engineering firm shall act as the agent for the client in all matters related to the project which also involve the department.

(b) Engineering services contracts for the construction phase of a project shall require that a resident engineer shall have responsibility to assure that the project meets the plans, technical specifications and agreement for construction of the project.

(c) The consulting engineering firm shall notify the department in writing of the name of the resident engineer, assistant engineers and construction inspectors. A brief history of the resident engineer's construction experience shall be provided to the department at the time of this notification.

(d) The consulting engineer firm shall notify the department of any request for a change of resident engineer.

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Source. #2406, eff 6-28-83; ss by #2851, eff 9-21-84,
EXPIRED 9-21-90; ss by #5315, eff 1-27-92, EXPIRED 1-27-
98

New. #6696, eff 2-25-98